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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

		Application Number	10/662,847
		Filing Date	September 15, 2003
		First Named Inventor	Alexander J. Roberts
		Art Unit	3618
		Examiner Name	John D. Walters
Total Number of Pages in This Submission		Attorney Docket Number	GP-302409

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<b>Return Receipt Postcard</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**Remarks**

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 07-0960. A duplicate copy of this sheet is enclosed.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Michael D. Wiggins	Reg. No. 34,754
Signature			
Date	April 3, 2007		

**CERTIFICATE OF TRANSMISSION/MAILING**

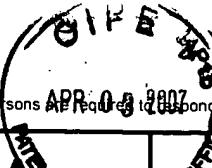
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Stephanie Stevens	Express Mail Label No.	EV 522 877 601 US (4/3/2007)
Signature		Date	April 3, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV 522 877 601 US



# FEE TRANSMITTAL for FY 2007

Effective 2/8/2006. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500)

Complete if Known

Application Number	10/662,847
Filing Date	September 15, 2003
First Named Inventor	Alexander J. Roberts
Examiner Name	John D. Walters
Art Unit	3618
Attorney Docket No.	GP-302409

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money  Other  None  
Order
 Deposit Account:

Deposit Account Number

07-0960

Deposit Account Name

General Motors Corporation

## The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1462	400	1462	400	Petition fee under 37 CFR 1.17(f)	
1463	200	1463	200	Petition fee under 37 CFR 1.17(g)	
1464	130	1464	130	Petition fee under 37 CFR 1.17(h)	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
Total Claims	-20 **	= 0	X 0	= 0	
Independent Claims	-3 **	= 0	X 0	= 0	
Multiple Dependent					

SUBTOTAL (1) (\$ 0)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims	Fee from below	Fee Paid
0	0	0
0	0	0
		0

## Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

## 4. SEARCH/EXAMINATION FEES

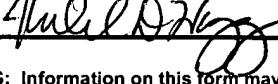
1111	500	2111	250	Utility Search Fee
1112	100	2112	50	Design Search Fee
1113	300	2113	150	Plant Search Fee
1114	500	2114	250	Reissue Search Fee
1311	200	2311	100	Utility Examination Fee
1312	130	2312	65	Design Examination Fee
1313	160	2313	80	Plant Examination Fee
1314	600	2314	300	Reissue Examination Fee

SUBTOTAL (4) (\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Michael D. Wiggins	Registration No. (Attorney/Agent)	34,754	Telephone	248-641-1600
Signature				Date	April 3, 2007

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GP-302409



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No. \_\_\_\_\_

Application No.: 10/662,847

Filing Date: September 15, 2003

Appellant: Alexander J. Roberts

Group Art Unit: 3618

Examiner: John D. Walters

Title: DISPLACEMENT ON DEMAND WITH REGENERATIVE  
BRAKING

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**APPEAL BRIEF**

U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street S.

Due: April 6, 2007

Customer Window: **Mail Stop Appeal Brief - Patents**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

In support of the Notice of Appeal mailed on February 6, 2007, Appellant  
respectfully submits the following Appeal Brief.

04/05/2007 SSITHIB1 00000042 070960 10662847  
01 FC:1402 500.00 DA

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APPENDIX A – Clean Version of Pending Claims

APPENDIX B – Evidence

APPENDIX C – Related Proceedings

**BRIEF ON APPEAL ON BEHALF OF APPELLANT**

In support of the Notice of Appeal filed on February 6, 2007 appealing the Examiner's Final Rejection of each of claims 1, 3, 5, 6, 8 – 10 and 12 – 16 mailed October 17, 2006, Appellant hereby provides the following remarks. Claims 1, 3, 5, 6, 8 – 10 and 12 – 16 appear in the attached Appendix A.

**I. REAL PARTY IN INTEREST**

The present application is assigned to the General Motors Corporation of Detroit, Michigan by an Assignment recorded on January 6, 2004 at reel/frame 014233/0815.

**II. RELATED APPEALS AND INTERFERENCES**

The undersigned, the Assignee and the Appellant do not know of any appeals or interferences which would directly affect or which would be directly affected by, or have a bearing on, the Board's decision in this Appeal.

**III. STATUS OF THE CLAIMS**

Claims 1, 3, 5, 6, 8 – 10 and 12 – 16 are reproduced in the attached Appendix A and are the claims on Appeal. Each of these claims is currently pending in the application.

IV. **STATUS OF ANY AMENDMENTS FILED SUBSEQUENT TO THE FINAL REJECTION**

No Amendment has been filed subsequent to the final rejection mailed October 17, 2006.

**V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

The present application discloses a regenerative braking system for a vehicle 10. In accordance with claim 1, the regenerative braking system includes a displacement on demand (DOD) engine 12 having cylinders 18 and a battery 24 (see Paragraph [0014] and Figure 1). An electric machine 21 includes motor and generator modes and is selectively driven by a wheel 22 of the vehicle 10 (see Paragraph [0015] and Figure 1). A controller 28 detects a braking condition of the vehicle 10 and deactivates at least one of the cylinders 18 while maintaining at least another of the cylinders 18 active in response to the braking condition. The controller 28 operates the electric machine 21 in the generator mode during the braking condition to charge the battery 24 and monitors a vehicle speed (see Paragraph [0018] and Figure 2, Steps 108, 110 and 112). The controller 28 activates at least one of the cylinders 18 when the vehicle speed achieves a threshold (see Paragraph [0020]).

The present application further discloses a method of charging and discharging a battery 24 in a vehicle 10. In accordance with claim 8, the method includes detecting a braking condition of the vehicle 10, deactivating at least one cylinder 18 of an engine 12 in response to the braking condition, while maintaining at least another cylinder 18 of the engine 12 active, and driving an electric machine 21 in a generator mode with a wheel 22 of the vehicle 10 to charge the battery 24 (see Paragraph [0018] and Figure 2, Steps 108, 110 and 112). The method of claim 8 further includes monitoring a vehicle speed and activating at least one of the cylinders 18 when the vehicle speed achieves a threshold (see Paragraph [0020]).

The present application also discloses a method of operating a vehicle 10 having a regenerative braking system. In accordance with claim 13, the method includes detecting a braking condition of the vehicle 10, deactivating a cylinder 18 of an engine 12 in response to the braking condition, while maintaining at least another cylinder 18 of the engine 12 active (see Paragraph [0018] and Figure 2, Steps 108, 110 and 112), and retarding motion of the vehicle 10 by driving an electric machine 21 in a generator mode with a wheel 22 of the vehicle 10 to generate electrical current (see Paragraph [0015] and Figure 1). The method of claim 13 further includes monitoring a vehicle speed and

activating at least one of the cylinders 18 and relieving the retarding when the vehicle speed achieves a threshold (see Paragraph [0020]).

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Appellant seeks the Board's review of the rejection of claims 1, 3, 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Tamai et al. (U.S. Pat. No. 6,307,277) in view of Bhavsar (U.S. Pat. No. 6,691,807).

Appellant also seeks the Board's review of the rejection of claims 8 – 10 and 12 – 16 under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Tamai et al. (U.S. Pat. No. 6,307,277) in view of Bhavsar (U.S. Pat. No. 6,691,807).

## VII. **ARGUMENTS**

### A. **Claims 1, 3, 5 and 6 under 35 U.S.C. §103(a)**

It is initially noted that three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations (see MPEP §2143).

#### 1. **All of the claim limitations are neither taught nor suggested**

As discussed above, and in detail in the previously filed responses, claim 1 includes detecting a braking condition of the vehicle, deactivating at least one of the cylinders while maintaining at least another of the cylinders active in response to the braking condition and operating the electric machine in the generator mode during the braking condition to charge the battery. Tamai fails to teach or suggest maintaining at least another of the cylinders active in response to the braking condition.

Tamai discloses a fuel management control system for a traditional hybrid vehicle, wherein the system regulates fuel on/off transitions of the engine upon deceleration of the vehicle (see Col. 2, Lines 38 – 40). Once fuel and spark are cut to all of the cylinders, the engine is kept spinning and transmission downshifts are performed with the aid of an electric machine, until the transmission is dropped to neutral (see Col. 2, Lines 39 – 49). Accordingly, Tamai fails to teach or suggest maintaining at least another of the cylinders active in response to the braking condition.

Bhavsar fails to cure the deficient teachings of Tamai. More specifically, Bhavsar discloses a hybrid vehicle system that is powered by an electric motor 14 and an engine 16, which provide a total torque output to propel the vehicle. A propulsion control 24 calculates the overall drive torque demand partially based on the vehicle speed and determines the percentage of the overall drive torque demand that is to be provided by the electric motor 14 and the percentage that is to be provided by the engine 16 (see Col. 5, Lines 35 – 47).

If the percentage of drive torque that is to be provided by the engine 16 is not achievable using less than all of the cylinders of the engine 16, the engine 16 is

operated using all of the cylinders in an internal combustion engine (ICE) mode (see Col. 5, Lines 60 – 67, and Steps 56 and 60 of Figure 3). If the percentage of drive torque that is to be provided by the engine 16 is achievable using less than all of the cylinders of the engine 16, the engine is operated in the variable displacement engine (VDE) mode, thereby conserving fuel (see Col. 6, Lines 6 – 13, and Steps 56 and 62 of Figure 3).

Accordingly, the control strategy of Bhavsar is intended to split the drive torque requirements between the electric motor and the engine, while preventing the engine from changing between the ICE and VDE modes, thereby inhibiting adverse NVH (see Col. 2, Lines 8 – 11, Col. 6, Lines 24 – 28, and Col. 7, Lines 15 – 19).

Bhavsar is completely silent as to braking of the vehicle, and is specifically silent as to regenerative braking of the vehicle. There is no explicit or implicit discussion of operation of the engine during vehicle braking, other than mentioning the presence of a brake pedal (see Col. 5, Line 3). Moreover, there is specifically no mention of deactivating at least one cylinder in response to a braking condition, maintaining at least another of the cylinders active in response to the braking condition or operating the electric machine in the generator mode during the braking condition to charge the battery within the entire disclosure of Bhavsar.

In view of the foregoing, neither Tamai nor Bhavsar teach or suggest maintaining at least another of the cylinders active in response to a braking condition. Therefore, the prior art references fail to teach or suggest all the claim limitations.

For at least these reasons, it is respectfully requested that the rejection of the independent claims be overturned.

## **2. The combination of Tamai and Bahvsar is improper**

As discussed above, a *prima facie* case of obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so (see *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006)). Furthermore, the mere fact that references can be combined or modified does not render the resultant

combination obvious unless the prior art also suggests the desirability of the combination (see *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)).

As discussed above, Tamai is directed to an aggressive fuel management program, whereby fuel flow is completely shut-off the engine (i.e., fuel is cut-off to all cylinders) in response to vehicle braking at vehicle speeds above a predetermined speed and maintaining the complete fuel shut-off during vehicle coasting above a predetermined speed (see Abstract, for example). Bhavsar, on the other hand, is completely silent as to braking of a hybrid vehicle. Instead, the disclosure of Bhavsar is wholly focused on splitting the drive torque (i.e., not braking) requirement between an electric machine and an engine, while operating the engine in a reduced cylinder mode as consistently as possible.

Accordingly, the objective of Tamai conflicts with that of Bhavsar. More specifically, Tamai seeks to cut-off fuel to all of the cylinders during vehicle braking, while Bhavsar cuts-off fuel to only a reduced number of cylinders during vehicle propulsion (e.g., enough cylinders are maintained active to provide the requisite torque from the engine). Therefore, there is no suggestion or motivation provided in either reference to combine the references.

It is further noted that “[i]f [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). As discussed above, Tamai is directed to fuel cut-off to all of the cylinders during vehicle braking, while Bhavsar is directed to fuel cut-off fuel to only a reduced number of cylinders during vehicle propulsion. Accordingly, modifying Tamai to include the technical features of Bhavsar would render Tamai unsatisfactory for its intended purpose.

For at least these reasons, it is respectfully requested that the rejection of the independent claims be overturned.

### **3. Dependent Claims 3, 5 and 6**

With regard to dependent claims 3, 5 and 6, these claims are allowable for at least the reasons previously presented with regard to their corresponding independent

claims. In addition, to the extent that they mention further aspects of the regenerative braking apparatus, they are also even additionally allowable over the prior art of record. Accordingly, it is respectfully requested that the rejection of the dependent claims be overturned.

**B. Claims 8 – 10 and 12 – 16 under 35 U.S.C. §102(b) or §103(a)**

**1. Independent Claims 8 and 13**

When applying 35 U.S.C. §102, it is well established that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is also well established that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). It is respectfully noted that the identical invention is not disclosed in Tamai.

Each of claims 8 and 13 include detecting a braking condition of the vehicle, deactivating at least one of the cylinders, while maintaining at least another of the cylinders active in response to the braking condition, and operating the electric machine in the generator mode during the braking condition to charge the battery. Tamai fails to disclose the identical invention. More specifically, and as admitted by the Examiner, Tamai fails to disclose maintaining at least one cylinder active during a braking condition.

For at least these reasons, it is respectfully requested that the rejection of the independent claims under 35 U.S.C. §102 be overturned.

With regard to the rejection of claims 8 and 13 under 35 U.S.C. §103, the above discussion with respect to claim 1 is incorporated herein. More specifically, neither Tamai nor Bhavsar teach or suggest maintaining at least another of the cylinders active in response to a braking condition. Therefore, the prior art references fail to teach or suggest all the claim limitations. Furthermore, there is no suggestion or motivation to combine the references and such a combination would render Tamai unsatisfactory for its intended purpose.

For at least these reasons, it is respectfully requested that the rejection of the independent claims under 35 U.S.C. §103 be overturned.

**2. Dependent Claims 9, 10, 12 and 14 – 16**

With regard to dependent claims 9, 10, 12 and 14 – 16, these claims are allowable for at least the reasons previously presented with regard to their corresponding independent claims. In addition, to the extent that they mention further aspects of the regenerative braking apparatus and methods, they are also even additionally allowable over the prior art of record. Accordingly, it is respectfully requested that the rejection of the dependent claims be overturned.

**VIII. CONCLUSION**

Appellant respectfully requests the Honorable Board of Patent Appeals and Interferences to reverse the Examiner's obviousness rejection of each of pending claims 1, 3, 5 and 6 under 35 U.S.C. §103(a) over Tamai in view of Bhavsar, and pending claims 8 – 10 and 12 – 16 under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Tamai in view of Bhavsar (U.S. Pat. No. 6,691,807).

Appellant respectfully submits that the prior art does not teach or suggest all of the claimed features. Accordingly, for at least the aforementioned reasons, Appellant respectfully requests the Honorable members of the Board of Patent Appeals and Interferences to reverse the outstanding rejections in connection with the present application and permit each of claims 1, 3, 5, 6, 8 – 10 and 12 – 16 to be passed to allowance in connection with the present application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael D. Wiggins, Reg. No. 34,754 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

Date: April 3, 2007

By: Michael D. Wiggins  
Michael D. Wiggins, Reg. No. 34,754  
(248) 641-1600

**Please address all correspondence to:**

GENERAL MOTORS CORPORATION  
Legal Staff  
Mail Code 482-C23-B21  
P.O. Box 300  
Detroit, MI 48265-3000

**APPENDIX A**

This is a complete and current listing of the claims, marked with status identifiers in parentheses, as amended in the Amendment filed on August 11, 2006.

1. (Previously Presented) A regenerative braking system for a vehicle, comprising:

a displacement on demand (DOD) engine including cylinders;

a battery;

an electric machine that has motor and generator modes and that is selectively driven by a wheel of said vehicle; and

a controller that detects a braking condition of said vehicle, that deactivates at least one of said cylinders while maintaining at least another of said cylinders active in response to said braking condition, that operates said electric machine in said generator mode during said braking condition to charge said battery, and that monitors a vehicle speed and activates at least one of said cylinders when said vehicle speed achieves a threshold.

2. (Cancelled)

3. (Previously Presented) The regenerative braking system of claim 1 wherein said controller detects termination of said braking condition and activates all of said cylinders in response to said termination.

4. (Cancelled)

5. (Original) The regenerative braking system of claim 1 wherein said controller selectively operates said electric machine in said motor mode to drive said wheel.

6. (Original) The regenerative braking system of claim 1 wherein said controller selectively deactivates all of said cylinders of said engine and operates said electric machine in said motor mode to drive said wheel.

7. (Cancelled)

8. (Previously Presented) A method of charging and discharging a battery in a vehicle, comprising:

detecting a braking condition of said vehicle;

deactivating at least one cylinder of an engine in response to said braking condition while maintaining at least another cylinder of said engine active;

driving an electric machine in a generator mode with a wheel of said vehicle to charge said battery; and

monitoring a vehicle speed and activating at least one of said cylinders when said vehicle speed achieves a threshold.

9. (Previously Presented) The method of claim 8 further comprising:

activating said electric machine in a drive mode to drive said wheel.

10. (Original) The method of claim 9 further comprising providing electrical current to said electrical machine from said battery.

11. (Cancelled)

12. (Previously Presented) The method of claim 8 further comprising:  
detecting termination of said braking condition; and  
activating said at least one cylinder in response to said termination.

13. (Previously Presented) A method of operating a vehicle having a regenerative braking system, comprising:  
detecting a braking condition of said vehicle;  
deactivating a cylinder of an engine in response to said braking condition while maintaining at least another cylinder of said engine active;  
retarding motion of said vehicle by driving an electric machine in a generator mode with a wheel of said vehicle to generate electrical current;  
monitoring a vehicle speed; and  
activating at least one of said cylinders and relieving said retarding when said vehicle speed achieves a threshold.

14. (Original) The method of claim 13 further comprising charging a battery with said electrical current.

15. (Previously Presented) The method of claim 13 further comprising:  
activating said electric machine in a drive mode to drive said wheel.
16. (Previously Presented) The method of claim 15 further comprising providing  
electrical current to said electric machine from a battery.

**APPENDIX B**

There is no evidence being submitted with this appeal.

**APPENDIX C**

There are no related proceedings.